



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/450,492

11/29/99

ALEXANDER

C

0030/118

QM12/0801

VANCE A SMITH
WHEAT SMITH AND BERES
1515 CITIZENS PLAZA
500 WEST JEFFERSON STREET
LOUISVILLE KY 40202

EXAMINER

NEAS, M

ART UNIT

PAPER NUMBER

3741

DATE MAILED:

08/01/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/450,492

Applicant(s)
Alexander et al

Examiner
Michael A. Neas

Group Art Unit
3741



☒ Responsive to communication(s) filed on Nov 29, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 5 is/are allowed.

☒ Claim(s) 8-10 is/are rejected.

☒ Claim(s) 1-4, 6, and 7 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3741

DETAILED ACTION

Specification

1. Claims 1-4 and 6-8 are objected to because of the following informalities: In claim 1, line 16, "cell" should be --cells--. In claim 1, line 18, "side" should be --sides--. In claim 2, the last line should end in a period. In claim 6, line 8, "cell" should be --cells--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, "said rear, front and side loops" lack antecedent basis. It appears that claim 8 should depend from claim 7, not claim 6. In claim 9, the phrase "that permits" does not introduce positive method steps. The steps of being molded flat, folded and positioned within the shell in frictional engagement with the padding should be positively recited.

Art Unit: 3741

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Gooding '137.

Gooding teaches the invention as claimed. Gooding teaches the formation of a helmet shell 6, the formation and positioning of padding 27,29 adjacent the inner surface of shell 6, the molding of inflatable liner 30 and the insertion of the liner 30 in abutting relationship to pads 27,29 as shown in Figure 4. Since the liner abuts pads 27,29, there is some frictional engagement.

Allowable Subject Matter

5. Claims 1-7 are allowable over the prior art and will be allowed upon correction of the minor errors indicated above.

6. Claim 8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

7. Claim 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit: 3741

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Neas whose telephone number is (703) 308-0954. The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, can be reached on (703) 305-1025. The fax phone number for this Group is (703) 305-3463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.



**Michael A. Neas
Primary Examiner
Art Unit 3741**

man
July 30, 2000